

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

INDIANA-AMERICAN WATER)	
COMPANY, INC.)	
)	
Plaintiff,)	
)	
v.)	
)	
TOWN OF MOORESVILLE, and)	
THE MOORESVILLE TOWN COUNCIL)	MORGAN CIRCUIT CAUSE NO.:
GEORGE WATKINS, in his individual and)	55C01-1210-PL-2122
official capacities,)	
JEFFREY M. COOK, in his individual and)	U.S.D.C. CAUSE NO.:
official capacities,)	1:12-cv-1493-TWP-DML
ANTHONY LANGLEY, in his individual)	
and official capacities,)	
VIRGINIA PERRY, in her individual and)	
official capacities,)	
MARK MATHIS, in his individual and)	
official capacities.)	
)	
Defendants.)	

DEFENDANTS' PRELIMINARY WITNESS AND EXHIBIT LIST

Come now the Defendants, the Town of Mooresville, the Mooresville Town Council, and George Watkins, Jeffrey M. Cook, Anthony Langley, Virginia Perry, and Mark Mathias in their individual and official capacities (hereinafter "Defendants"), by counsel, and submit the following list of witnesses and exhibits they presently believe may be called at the trial of this case:

WITNESSES

Defendants submit the following list of witnesses who may be introduced at the trial of this case:

1. Members of the Mooresville Town Council, including George Watkins, Jeffrey M. Cook, Anthony Langley, Virginia Perry, and Mark Mathias, all of whom are familiar with the meetings of the Mooresville Town Council on August 7, 2012, August 10, 2012, and

December 24, 2012. They are also familiar with the Town's responses to Plaintiff's public records requests.

2. Sandra Perry – Mooresville Clerk Treasurer. Ms. Perry is familiar with the meetings of the Mooresville Town Council on August 7, 2012, August 10, 2012, and December 24, 2012, and the records relating to those meetings. She is also familiar with the Town's responses to Plaintiff's public records requests.
3. Troy Bryant. Mr. Bryant is familiar with statements made before and at the meeting of the Mooresville Town Council on August 7, 2012.
4. Alan Dubois. Mr. Dubois is familiar with statements made before and at the meeting of the Mooresville Town Council on August 7, 2012.
5. Nicholas K. Kile – Attorney at Barnes & Thornburg. Mr. Kile is familiar with statements made before and at the meeting of the Mooresville Town Council on August 7, 2012.
6. Hillary Close – Attorney at Barnes & Thornburg. Ms. Close is familiar with the public records requests sent on behalf of the Plaintiff and the Town's responses thereto.
7. Representatives of the Town of Mooresville.
8. Members of the Mooresville Town Council.
9. Representatives of the Indiana-American Water Company, Inc.
10. Any individual identified in Plaintiff's initial disclosures or any witness listed by Plaintiff.
11. Individuals identified through the course of discovery in this matter.
12. All witnesses necessary to authenticate any exhibit offered into evidence.
13. Any witness necessary for rebuttal or impeachment purposes.

Defendants reserve the right to supplement this list as additional witnesses become known, and in accordance with the court's deadlines in this matter.

EXHIBITS

Defendants submit the following list of exhibits which may be introduced at the trial of this case:

1. Notice of August 7, 2012 public hearing.
2. July 25, 2012 1st record request from Hillary Close to the Town of Mooresville.
3. July 31, 2012 letter from Christopher Janak to Hillary Close responding to 1st records request.
4. August 3, 2012 email correspondence between Nicholas Kile and Stephen Unger regarding public hearing details.
5. August 8, 2012 letter (with attachments) from Stephen Unger to Nicholas Kile and Hillary Close responding to 1st records request.
6. August 9, 2012 letter (with attachments) from Stephen Unger to Nicholas Kile and Hillary Close responding to 1st records request.
7. August 9, 2012 email correspondence between Mark Crandley and Stephen Unger regarding August 10 meeting.
8. August 13, 2012 2nd records request from Nicholas Kile to the Town of Mooreseville.
9. August 16, 2012 letter from Stephen Unger to Nicholas Kile responding to 2nd records request.
10. September 14, 2012 letter (with attachments) from Stephen Unger to Nicholas Kile responding to 2nd records request.
11. September 27, 2012 3rd records request from Nicholas Kile to the Town of Mooreseville.
12. September 28, 2012 4th records request from Nicholas Kile to the Town of Mooreseville.
13. September 28, 2012 letter from Stephen Unger to Nicholas Kile responding to 3rd and 4th records requests.
14. October 5, 2012 5th records request from Hillary Close to the Town of Mooresville.
15. October 9, 2012 letter from Stephen Unger to Nicholas Kile and Hillary Close responding to 5th records request.
16. October 15, 2012 letter (with attachments) from Stephen Unger to Nicholas Kile responding to 3rd records request.

17. October 22, 2012 letter (with attachments) from Stephen Unger to Nicholas Kile responding to 4th records request.
18. October 23, 2012 6th records request from Hillary Close to the Town of Mooresville.
19. October 24, 2012 7th records request from Hillary Close to the Town of Mooresville.
20. October 29, 2012 letter (with attachments) from Stephen Unger to Nicholas Kile and Hillary Close responding to 5th and 6th records requests.
21. October 30, 2012 letter from Stephen Unger to Hillary Close responding to 7th public records request.
22. October 31, 2012 8th records request from Nicholas Kile to the Town of Mooresville.
23. November 6, 2012 letter from Stephen Unger to Nicholas Kile responding to 8th records request.
24. November 21, 2012 letter (with attachments) from Stephen Unger to Nicholas Kile responding to 8th records request.
25. November 21, 2012 Uniform Property Acquisition Offer Letter from George Watkins, Town Council President, Town of Mooresville to IAWC.
26. December 21, 2012 Rejection of Property Acquisition Offer Letter from Troy Bryant, Manager, IAWC to Town of Mooresville.
27. Recording and Minutes of the August 7, 2012 Mooresville Town Council meeting.
28. Minutes of the August 10, 2012 Mooresville Town Council meeting.
29. Minutes of the November 20, 2012 Mooresville Town Council meeting.
30. Minutes of the December 24, 2012 Mooresville Town Council meeting.
31. Ordinance 12-2012: An Ordinance of the Town Council of the Town of Mooresville, Indiana Declaring that the Public Convenience and Necessity Require the Town of Mooresville to Expand its Municipally Owned Utility and Thereafter Acquire Utility Property.

32. Ordinance 16-2012: An Ordinance of the Town of Mooresville, Indiana Declaring that the Public Convenience and Necessity Require the Town of Mooresville to Acquire and/or Condemn Utility Property.
33. Resolution No. 4-2012, A Resolution Concerning Interest in the Acquisition of Property.
34. August 27, 2012 email correspondence between Stephen Unger and Nicholas Kile regarding meeting of officials.
35. August 28, 2012 email correspondence between Nicholas Kile, Christopher Janak, and Stephen Unger regarding meeting of officials.
36. September 18, 2012 email correspondence between Christopher Janak and Nicholas Kile regarding meeting of officials and examination and survey of utility property.
37. September 24, 2012 email correspondence between Nicholas Kile and Christopher Janak regarding meeting of officials and examination and survey of utility property.
38. September 24, 2012 letter from Christopher Janak to Indiana-American Water regarding entry onto property and request to examine items.
39. October 5, 2012 letter from Christopher Janak to Nicholas Kile regarding entry onto property and examination and survey of utility property.
40. Testimony, filings, and orders in IURC Cause No. 41516.
41. Testimony, filings, and orders in IURC Cause No. 44022.
42. All documents and materials filed for the Condemnation of Utility filed in Morgan Superior Court Cause No. 55DOI-1212-PL-2729.
43. Any and all discovery responses in this matter.
44. Any and all deposition transcripts with exhibits thereto regarding this matter.
45. Any documents identified by Plaintiff in its Initial Disclosures or exhibit list.
46. Any document necessary for the purposes of rebuttal or impeachment.
47. Any exhibit identified throughout the course of discovery in this matter.
48. Any documents and records relating to any pending motions.

Defendants reserve the right to supplement this list as additional exhibits become known, and in accordance with the court's deadlines in this matter.

Respectfully submitted,

POLLACK LAW FIRM, P.C.

s/Caren L. Pollack

Caren L. Pollack, Attorney No. 11897-49
*Attorney for Defendants, Town of Mooresville, The
Mooresville Town Council, and George Watkins,
Jeffrey M. Cook, Anthony Langley, Virginia Perry
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s/Alan S. Townsend

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CERTIFICATE OF SERVICE

I certify that on this 15th day of April, 2013 a true and correct copy of the above and foregoing document was served via ECF filing to the following:

Nicholas K. Kile
Bart Karwath
Mark Crandley
Guna Kirhnere
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11 S. Meridian Street
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s/Caren L. Pollack

Caren L. Pollack